

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DAVID MELLOR)
and DENISE MELLOR,)
Plaintiffs)
)
vs.)
)
JETBLUE AIRWAYS CORPORATION,)
Defendant)

CIVIL ACTION NO. 1:21-cv-10319

**NOTICE OF DISCLOSURE OF
DAVID FINN, M.D. AS A REBUTTAL EXPERT WITNESS**

Plaintiffs David Mellor and Denise Mellor hereby disclose David Finn, M.D. as a rebuttal expert witness to testify on the question of whether Mr. Mellor is exaggerating and faking his symptoms and complaints arising from the incident in this case.

In support of this disclosure, plaintiffs state on January 31, 2024, JetBlue disclosed the reports of the following two medical experts who are expected to testify that Mr. Mellor is faking and/or exaggerating his symptoms for financial gain.

In summary, Dr. Paul S. Blachman, a neurologist, who will testify regarding Mr. Mellor's concussion injury and treatment, states in his report:

In my opinion, the persistent symptoms are not related to the incident of February 9, 2018. . . There was clear-cut symptom amplification, and, in my opinion, there was a clearcut desire for secondary gain.

Dr. Frederick Kadushin, a neuropsychologist, who will testify regarding whether Mr. Mellor suffered a traumatic brain injury, states in his report:

While I cannot opine about the presence or extent of any physical injuries from the accident, psychological factors (e.g., a history of feeling victimized and potential secondary gain) were clearly causing and/or contributing to his persisting symptoms.

Dr. David Finn, a board-certified internist and attending physician at the Massachusetts General Hospital in Boston, Massachusetts, has been Mr. Mellor's primary care physician since November 10, 2006. It is expected Dr. Finn will testify about Mr. Mellor's medical history before and after the incident in this case, and about his care and treatment, including pain management care of Mr. Mellor since 2006. It is expected Dr. Finn will testify in rebuttal to the expected opinions of Dr. Blachman and Dr. Kadushin to the effect that Mr. Mellor is a faker and exaggerator. It is expected Dr. Finn will testify that Mr. Mellor is neither faking nor exaggerating his symptoms related to the incident in this case. Rather, Dr. Finn is expected to testify that Mr. Mellor has diligently pursued treatment including surgery, pain medication, therapy, counseling, and injections over the last six years to ameliorate his chronic severe pain and mental anguish arising from injuries sustained in the airline overhead bin door strike incident in this case.

It is expected Dr. Finn will base his testimony on his care and treatment of Mr. Mellor's for the past seventeen years as documented in Mr. Mellor's medical records which have been produced to defendant, and upon his education, training and experience. Dr. Finn may further testify based upon the evidence as it develops at trial.

Respectfully submitted,
Plaintiffs,
By Their Attorneys,
BREAKSTONE, WHITE & GLUCK, P.C.



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Dated: February 9, 2024

Certificate of Service

I, Marc L. Breakstone, of Breakstone, White & Gluck, P.C., certify that on February 9, 2024, a copy of the foregoing was electronically filed and served on all parties by filing with the Court's electronic filing system through which all parties may access this filing through the Court's CM/ECF System.

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Dated: February 9, 2024

Marc L. Breakstone, Esq.